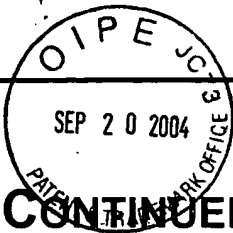


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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of a utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/389,565
Filing Date	September 3, 1999
First Named Inventor	David M. Neville, Jr.
Group Art Unit	1644
Examiner Name	Gerald R. Ewoldt
Attorney Docket Number	14028.0290US

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____.
Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply (Amendment and Response to Office Action filed January 16, 2004 and to Advisory Action dated July 19, 2004).
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37. C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

- a. ☐ Check in the amount of \$_____ enclosed for the fees designated below.
- b. ☒ Payment by credit card in the amount of \$880.00 for the fees designated below. (Form PTO-2038 enclosed).
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
- c. ☐ The Director is hereby authorized to charge the amount of \$_____ for the fees designated below to Deposit Account No. 14-0629.
- d. ☒ Fees
- | | | |
|---|-------------------|-------------------|
| <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e) | 09/21/2004 JADD01 | 00000083 09389565 |
| <input checked="" type="checkbox"/> Extension of time fee (37 C.F.R. §§ 1.136 and 1.17(a)(1)) | 01 FC:1801 | 770.00 0P |
| <input type="checkbox"/> Other _____ | | |
- e. ☒ The Director is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 14-0629.

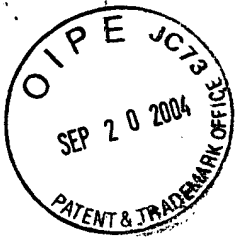
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Gwendolyn D. Spratt	Registration No. (Attorney/Agent)	36,016
Signature	<i>Gwendolyn D. Spratt</i>	Date	September 16, 2004

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or include, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Name of Person Mailing(Print/Type)	Gwendolyn D. Spratt		
Signature	<i>Gwendolyn D. Spratt</i>	Date	September 16, 2004



ATTORNEY DOCKET NO. 14028.0290US
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
NEVILLE et al.)	
)	Group Art Unit: 1644
Application No. 09/389,565)	
)	
Confirmation No. 5574)	
)	Examiner: G.R. Ewoldt
Filed: September 3, 1999)	
)	
For: AN IMMUNOTOXIN WITH IN VIVO T)	
CELL SUPPRESSANT ACTIVITY AND)	
METHODS OF USE)	

AMENDMENT AND RESPONSE TO OFFICE ACTION

MAIL STOP RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer No. 23859

Examiner Ewoldt:

This is responsive to the Final Office Action dated January 16, 2004 and Advisory Action dated July 19, 2004 issued regarding the above-referenced patent application. Please amend the above-referenced application as described below and consider the remarks herein.

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.